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PATENT  
5100-000032/US

IN THE U.S. PATENT AND TRADEMARK OFFICE

APPLICATION NO.: 10/567,372  
APPLICANT: Jozef Frans NELISSEN  
INTERNATIONAL APPL. NO.: PCT/BE2004/000112  
CONF.: 9863  
FILED: February 7, 2006  
FOR: DEVICE FOR TREATING NIGHTTIME  
BREATHING PROBLEMS

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**RESPONSE TO NOTICE TO FILE MISSING  
REQUIREMENTS OF AN APPLICATION**

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314  
**Mail Stop PCT**

April 13, 2007

Sir:

Under the provisions of 37 C.F.R. § 1.494 or 37 C.F.R. § 1.495, attached hereto are the following additional items necessary for entering the national phase in connection with the above-identified PCT international application.

☒ Executed Declaration and Power of Attorney.

☐ Original

☒ Photocopy

☐ The specification attached to the executed Declaration and Power of Attorney is a true copy of the specification which was filed in the U.S. Patent and Trademark Office on , including any amendments thereto (if applicable) filed on even date therewith.

☒ The undersigned hereby declares that Attorney Docket No. 5100-000032/US on page 1 of the attached inventors' Declaration corresponds to Appl. No. 10/567,372 filed February 7, 2006 entitled "DEVICE FOR TREATING NIGHTTIME BREATHING PROBLEMS."

☐ English language specification, claims, and Abstract with ( ) sheets of drawings.

☐ Applicant claims small entity status under 37 C.F.R. § 1.27.

☒ Attached is a copy of Form PCT/DO/EO/905.

☐ \_\_\_\_\_

☒ No extension fee is required because the undersigned has filed the documents within the allotted time given by the Notification of Missing Requirements (Form PCT/DO/EO/905). However, if for some reason it is determined that an extension of time is necessary, applicant hereby respectfully petitions for an extension of time for the filing of the present paper in accordance with the provisions of 37 C.F.R. § 1.136 and 37 C.F.R. § 1.17.

☐ Applicant(s) hereby respectfully petitions for ( ) month(s) extension of time for the filing of the present paper in accordance with the provisions of 37 C.F.R. § 1.136 and 37 C.F.R. § 1.17. The required fee of \$0.00 is attached hereto.

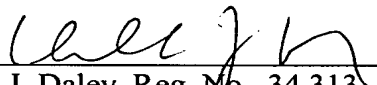
The Government Filing Surcharge in the amount of \$130.00 in accordance with 37 C.F.R. §§ 1.494 and 1.492 **was previously paid for** concurrently with the filing of the application on **February 7, 2006.**

- ☐ Submitted concurrently herewith **under separate cover** for recording is an Assignment.
- ☐ A Fee of \$0.00 to cover the increase in fees of the filing Surcharge is enclosed.
- ☐ Check(s) in the amount of \$0.00 to cover the above-mentioned fees is/are enclosed.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, P.L.C.

By   
Donald J. Daley, Reg. No. 34,313  
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Reston, VA 20195  
(703) 668-8000

DJD:amp

Attachments



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/567,372	Jozef Frans Nelissen	5100-000032/US

INTERNATIONAL APPLICATION NO.	
PCT/BE04/00112	
I.A. FILING DATE	PRIORITY DATE
08/04/2004	08/08/2003

30593  
HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. BOX 8910  
RESTON, VA 20195

Miss Ref  
4/20/07

CONFIRMATION NO. 9863  
371 FORMALITIES LETTER



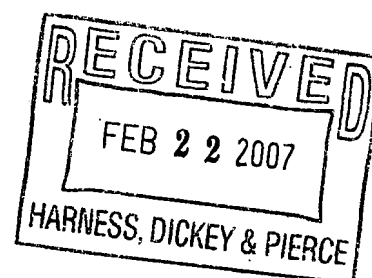
\*OC000000022554587\*

Date Mailed: 02/20/2007

# NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 02/07/2006
- Copy of the International Search Report filed on 02/07/2006
- Copy of IPE Report filed on 02/07/2006
- Copy of Annexes to the IPER filed on 02/07/2006
- Copy of Article 19 Amendments filed on 02/07/2006
- Preliminary Amendments filed on 02/07/2006
- Information Disclosure Statements filed on 02/07/2006
- Request for Immediate Examination filed on 02/07/2006
- U.S. Basic National Fees filed on 02/07/2006
- Priority Documents filed on 02/07/2006
- Specification filed on 02/07/2006
- Claims filed on 02/07/2006
- Abstracts filed on 02/07/2006
- Drawings filed on 02/07/2006



The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

Additionally the following defects have been observed:

- Article 19 amendments have not been entered because they were replaced by the Article 34 amendments.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

KAREN R MCLEAN

Telephone: (703) 308-9140 EXT 214

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/567,372	PCT/BE04/00112	5100-000032/US